

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

1 Casey Stephenson (Estate)

Case No. 08CEPR00552

Atty Gin, Robert W. (for Don Wolfe and Maritza Solano-Lazar – Co-Executors/Petitioners)

(1) First and Final Account and Report of Administration, Petition for Settlement, (2) for Allowance of Statutory Compensation to Executors and to Attorneys, (3) for Allowance of Extraordinary Fees to Executor, Donald Wolfe, and to Attorneys, and (4) for Final Distribution

| DOD: 04/15/08 | | DONALD WOLFE , sole remaining Executor, and | NEEDS/PROBLEMS/COMMENTS: | |
|---------------|-------------------------|---|--|--|
| | | MARITZA SOLANO-LAZAR, Co-Executors until | | |
| | | her resignation on 12/09/09, are Petitioners. | Need proposed pro rata | |
| | | Account period: 09/02/08 - 07/15/13 | payment schedule to creditors | |
| Со | nt. from | 7.6000111 polica. 67, 62, 60 67, 10, 10 | of the estate assets remaining after payment of the costs of | |
| | Aff.Sub.Wit. | Accounting - \$2,944,606.77 | administration. | |
| √ | Verified | Beginning POH - \$2,789,859.19 Ending POH - \$177,708.25 (all | 2. No itemization of requested | |
| ✓ | Inventory | cash) | extraordinary fees has been provided. | |
| ✓ | PTC | | 3. Notice of hearing to Cameron | |
| ✓ | Not.Cred. | Executors - \$30,937.56 | Lewis Stephenson was sent in | |
| ✓ | Notice of Hrg | (statutory, to be split 15% or \$4,640.63 to Maritza Solano Lazar and 82% or \$26,296.93 to Donald | care of Trisha Elaine Stephenson | |
| ✓ | Aff.Mail w/ | Wolfe) | Phillips; notice mailed to a | |
| | Aff.Pub. | | person in care of another | |
| | Sp.Ntc. | Executor x/o - \$8,525.00 (to Donald Wolfe for sales of real property, sales of | person is insufficient pursuant to CA Rules of Court 7.51 (a) (2). | |
| | Pers.Serv. | personal property (vehicles), travel expenses | 4. The proof of service on Notice of | |
| | Conf. Screen | related to sales of property, liquidation of | Hearing filed 02/10/14 does not | |
| | Letters 09/05/08 | assets, etc.) | indicate service on James | |
| | Duties/Supp | AHamaay 620 027 54 | Christensen, County Bank or | |
| | Objections | Attorney - \$30,937.56 (statutory, to be split 14% or \$4,558.00 to Kevin | Wm. Thomas Lewis, Esq., both of whom have filed a request for | |
| | Video | Gunner and 86% or \$26,379.56 to Griswold, | special notice. | |
| | Receipt | LaSalle, Cobb, Dowd & Gin) | special Hones. | |
| | CI Report | Attornovy/o \$01.771.00 /for | | |
| ✓ | 9202 | Attorney x/o - \$21,771.90 (for work related to petition to determine heirship | | |
| √ | Order | and family allowance request, work | | |
| | Aff. Posting | determining ownership of a BMW and Rolex | Reviewed by: JF | |
| | Status Rpt | watch, tax preparation, petitions relating to | Reviewed on: 03/07/14 | |
| | UCCJEA | whether the estate was the owner of real | Updates: | |
| | Citation | property, sales/short sales/foreclosures of real property, sales of a boat and vehicles, sale of | Recommendation: | |
| √ | FTB Notice | jewelry owned by decedent) | File 1 – Stephenson | |
| | | Costs - \$3,422.11 (copy charges, online research, mail charges, certified copies, service of process – Petitioner states that more than 17 creditor's and interested parties required notice) Continued on Page 2 | | |

1 Casey Stephenson (Estate)

Case No. 08CEPR00552

Page 2

Closing Reserve - \$15,000.00

Outstanding Creditor's Claims- \$8,935.629.38

Declaration of Don Wolfe filed 02/28/14 states that the estate incurred an additional expense in the amount of \$6,445.00 after the filing of this Petition for the preparation of Federal Estate Tax Returns, this amount was paid by the estate. Therefore the remaining cash in the estate is \$171,263.25 rather than \$177,708.25 as reflected in the Petition.

Petitioners state that after payment of requested statutory and extraordinary attorney's fees and costs, \$60,669.12 will be available to pay the creditors of the estate on a pro rata basis to satisfy the outstanding creditor's claims, with any remaining funds to be distributed to Donald Wolfe and Maritza Solano-Lazar, Successor Co-Trustees of the Casey Stephenson Revocable Living Trust.

Atty Miller, Russell C. (of Visalia, for Joshua David Leong – Administrator – Petitioner)

(1) Second and Final Report of Joshua David Leong, Administrator on Waiver of Account and (2) Petition for Allowance of Compensation to Attorney for Ordinary Services and (3) for Final Distribution

| DOD: 2-3-12 | | | JOSHUA DAVID LEONG, Son and | NEEDS/PROBLEMS/COMMENTS: | |
|-------------|-------------------|---------|--|--------------------------|--|
| | | | Administrator with Full IAEA without | 1. | Need consent to distribution of real |
| | | | bond, is Petitioner. | 1. | property in undivided interests from <u>all</u> |
| | | | Final gas a unting in vigit and | | <u>distributees</u> pursuant to Local Rule 7.12.4. |
| Col | Cont. from 021814 | | Final accounting is waived. | | |
| | Aff.Sub.Wit. | | I&A: \$156,997.00 | 2. | Attorney fee base appears to still be |
| ~ | Verified | | POH: \$152,332.84 | | incorrect. See Examiner's explanation |
| ~ | Inventory | | (\$12,332.84 cash plus real property | | on Page 2. |
| ~ | PTC | | located at 4431 N. Teilman) | 3. | Petitioner originally requested \$750.00 in |
| > | Not.Cred. | | , | | reimbursement for costs. Examiner Notes |
| | Notice of Hrg | Waived | Administrator (Statutory): Waived | | requested itemization pursuant to Local |
| | Aff.Mail | | | | Rule 7.17. This Amendment does not provide any itemization of the costs, and |
| | Aff.Pub. | | Attorney (Statutory): \$6,070.27 | | only states that \$750.00 was paid to the |
| | Sp.Ntc. | | Ct \$750.00 (t-1 | | attorney for costs, which is not sufficient. |
| | Pers.Serv. | | Costs: \$750.00 (not itemized, not included in the proposed order) | | • |
| | Conf. Screen | | included in the proposed order) | | However, although the prayer requests |
| ~ | Letters | 6-14-12 | Closing: \$1,000.00 | | reimbursement, it does not appear to be included in the order or the calculation |
| | Duties/Supp | | 3.0319. \$1,7000.00 | | of distribution to the four heirs. |
| | Objections | | Distribution pursuant to intestate | | |
| | Video | | succession: | | Therefore, <u>if</u> reimbursement of \$750.00 in |
| | Receipt | | | | costs is requested, need itemization, and |
| | CI Report | | Joshua David Leong: \$1,315.64 cash | | also need recalculation of distribution and revised order. |
| > | 9202 | | plus a 25% undivided interest as tenant | | did ie vised older. |
| ~ | Order | | in common in the real property | | |
| | | | Isaga Daul Lagnar \$1,215 / 4 cash plus a | | <u>SEE PAGE 2</u> |
| | | | Isaac Paul Leong: \$1,315.64 cash plus a 25% undivided interest as tenant in | | |
| | Aff. Posting | | common in the real property | Re | viewed by: skc |
| | Status Rpt | | | Re | viewed on: 2-10-14 |
| | UCCJEA | | Joel James Leong: \$1,315.64 cash plus | Uр | dates: |
| | Citation | | a 25% undivided interest as tenant in | Re | commendation: |
| ~ | FTB Notice | | common in the real property | File | e 2-Leong |
| | | | D | | |
| | | | Benjamin Thomas Leong: \$1,315.64 | | |
| | | | cash plus a 25% undivided interest as tenant in common in the real property | | |
| | | | пенанти сотптотни нетеагрюрену | | |

2 James Geen Kwock Leong (Estate)

Page 2

Note re Proposed Order: It was previously noted that the estate obtained a \$33,000.00 loan in order to keep the real property, and Examiner Notes noted that borrowing on behalf of the estate was not authorized per §9800. Examiner Notes further noted that Petitioner requested that the Court confirm all acts and proceedings, but that the Court may strike any such language from the order based on this action.

Case No. 12CEPR00421

Examiner notes that at this time, the Amendment continues to request such confirmation of acts in the prayer; however, the order does not include the language.

Note re Attorney Fee Base:

The attorney provides the following fee base:

- + I&A \$156,997.00
- + Receipts \$14,742.86 (unclear where this figure came from)
- + Gains \$1,472.38
- Losses \$2,730.93
- = Fee base <u>\$169,008.93</u>
- = Fee \$6,070.27

However, these figures do not correspond to the schedules provided in the "Amendment" document. <u>According</u> to the schedules in the "Amendment" document, the fee base would be as follows:

- + I&A \$156,997.00
- + Receipts \$4,072.86 (???)
- + Gains \$28.41 (???)
- Losses \$2,450.00 (???)
- = Fee base \$156,848.27
- = Fee \$5,705.45

However, the schedules in the "Amendment" document are obviously incomplete and conflict with the schedules provided concurrently in the "Ex Parte" document. This fee base is also incorrect.

Therefore, based on review of all of the schedules and figures provided in <u>both the "Amendment" and "Ex Parte"</u> documents together, Examiner calculates the fee base as follows:

- + I&A \$156,997.00
- + Receipts \$12,695.00 (rent \$10,670.00, principal \$25.00 + \$2,000.00 from debtor of decedent) (There is a \$2,047.86 discrepancy between this figure and the figure the attorney uses of \$14,742.86.)
- + Gains \$1,472.38 (jewelry sales, Indian Sweets and Spices, unclaimed property)
- Losses \$2,730.93
- = Fee base \$168,433.45
- = Fee \$6,05 $\overline{3.00}$

Atty

Markeson, Thomas A. (for Susie S. Verduzco-Samanc – Executor/Petitioner)

(1) First and Final Report; Petition for Approval of Account; (2) for Allowance of Attorneys' Compensation; (3) for Allowance of Costs Advanced; (4) for Final Distribution; (5) for Instructions and/or for Entitlement to Distribution

| DOD: 07/13/12 | | SUSTES VERDUTCO SAMANC Executor is | | NEEDS/PROBLEMS/COMMENTS: | |
|---------------|-------------------------|--|-----------|--------------------------------|------------------------------|
| DOD. 07/13/12 | | SUSIE S. VERDUZCO-SAMANC, Executor, is Petitioner. | | INCLESS/ I ROBLEMS/ COMMITMIS. | |
| \vdash | | i cilionoi. | | | |
| | | Account period: 07/1 | 3/12 – 0 | 01/15/14 | |
| Co | nt. from | 1 | • | • | |
| | Aff.Sub.Wit. | Accounting | - | \$487,036.68 | |
| V | Verified | Beginning POH | - | \$455,800.00 | |
| <i>'</i> | <u> </u> | Ending POH | - | \$285,800.00 (no | |
| <i>'</i> | Inventory PTC | cash) | | | |
| ✓ · | Not.Cred. | Executor | | waived | |
| <i>'</i> | Notice of Hrg | EXECUIO | - | waivea | |
| <u> </u> | Aff.Mail W/ | Attorney | _ | \$12,720.73 (statutory) | |
| | Aff.Pub. | ,, | | +/··· - (0/0/0/0///) | |
| | Sp.Ntc. | Attorney x/o | - | \$1,000.00 (for work | |
| | Pers.Serv. | done in relation to a s | short sal | e on an estate | |
| | Conf. Screen | property) | | | |
| | Letters 11/16/12 | | | A = = | |
| | Duties/Supp | Costs | - | \$2,570.55 (filing fees, | |
| | Objections | publication, certified | copies, | service of process) | |
| | Video | Petitioner states that a | decede | ent's will devises | |
| | Receipt | | | an business each to his | |
| | CI Report | three sisters. Petitione | | | |
| ✓ | 9202 | very small and is wort | | | |
| ✓ | Order | stock in the company | y was no | ot included in the | |
| | Aff. Posting | | | se the petitioner never | Reviewed by: JF |
| | Status Rpt | acquired possession (| • | | Reviewed on: 03/06/14 |
| | UCCJEA | question is not incorp | | | Updates: |
| | Citation | "stock". The business | | = | Recommendation: |
| V | FTB Notice | income to pay incom ownership interest the | | 7 . | File 3 – Verduzco |
| | | business. Petitioner's | | | |
| | | an attorney in San Die | | | |
| | | than \$10,000.00 to sec | _ | | |
| | | Because the interest i | | | |
| | | the cost of collecting | | | |
| | | instruction of this cour | | | |
| | | | o to aco | quire possession of the | |
| | | interest. | od -:- | Desert O | |
| | | Contin | iuea or | Page 2 | |

3 Joaquin Perez Verduzco (Estate)

Case No. 12CEPR00820

Page 2

Petitioner states that decedent's will states that the New York Life Insurance Policy, the IRAs and the Teacher's Retirement are to be divided equally between Petitioner and Joaquin S. Verduzco. The will further directs that the following amounts are to be subtracted "from this amount:" Funeral Expenses, \$2,000.00 to Juanita S. Verduzco, \$1,000.00 to Carmen Perez and \$1,000.00 to Martha Wong. Petitioner and Joaquin Verduzco were the named beneficiaries of the insurance, IRA and retirement benefit. Petitioner seeks an instruction and order that neither Juanita S. Verduzco, Carmen Perez, nor Martha Wong are entitled to a distribution from the estate from those assets. Because such assets are not part of the estate Petitioner asserts that the direction in the will to pay bequests from those assets is ineffectual and unenforceable. Petitioner seeks an instruction that the estate has no such obligation and/or that said persons are not entitled to a distribution of the bequests.

Distribution, pursuant to decedent's will, is to:

Joaquin S. Verduzco - 100% interest in 2002 Toyota Tacoma pickup, 100% interest in residence on Grant Avenue in Fresno, 100% interest in refrigerator, washer and dryer, 50% undivided interest in all personal property not specifically devised; \$15,000.00 (to be paid from any property not known or discovered), and 50% undivided interest in any other property not now known discovered

Susie S. Verduzco-Samanc - 100% interest in residence on E. Rancho Drive in Fresno, 100% interest in outdoor patio chair and table furniture, outdoor kitchen, spa, china cabinet, table and chairs, 50% undivided interest in all personal property not specifically devised, and 50% undivided interest in any other property not now known discovered (after payment of \$15,000.00 to Joaquin S. Verduzco from such property)

In addition to the above distribution, Petitioner prays for an Order:

- 1. That the Court excuse Petitioner from conducting a proceeding in Mexico to obtain the business interest of Petitioner's in Mexico;
- 2. That the Court instruct Petitioner that she has no obligation to distribute specific cash gifts to Juanita S. Verduzco, Carmen Perez nor Martha Wong;
- 3. That the Court order that the first \$15,000.00 of any property of the estate not now known or discovered that may belong to the estate or in which the decedent of the estate may have any interest be distributed to Joaquin S. Verduzco and afterwards equally to Susie S. Verduzco-Samanc and to Joaquin S. Verduzco; and
- 4. That the court order that any unpaid fees be a lien on the properties distributed to the beneficiaries.

Atty Atty

Nuttall, Natalie R. (for Brooke A. Castle – Conservator – Petitioner)

Motsenbocker, Gary L. (for Clayton James Stott – Trustee)

Petition for Substituted Judgment to Modify Conservatee's Revocable Survivor's Trust

| | | | 1 |
|-----|---------------|---|---|
| | | | |
| | Aff.Sub.Wit. | | |
| > | Verified | | |
| | Inventory | | |
| | PTC | | |
| | Not.Cred. | | ľ |
| > | Notice of Hrg | | |
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| | Aff.Pub. | | |
| | Sp.Ntc. | | |
| | Pers.Serv. | | ' |
| | Conf. Screen | | |
| > | Letters | | |
| | Duties/Supp | | |
| | Objections | | |
| | Video | | ' |
| | Receipt | | |
| | CI Report | | |
| \.d | 9202 | | |
| • | Order | | |
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| | Aff. Posting | | |
| | Status Rpt | | |
| | UCCJEA | | |
| | Citation | | |
| | FTB Notice | | |

BROOKE A. CASTLE, Granddaughter and Conservator, is Petitioner.

Petitioner states she was appointed as Conservator of the Person and Estate of Patricia Stott on 8-15-13.

Patricia Stott's immediate family consists of a sister, a daughter-in-law, adult grandchildren, and her stepson, Clayton James "Jim" Stott, who is currently the trustee of the Conservatee's revocable survivor's trust executed on 2-15-13.

Petitioner requests to modify the Conservatee's current revocable Survivor's Trust solely for the purpose of appointing a third party professional fiduciary, **H.F. RICK LEAS**, with Central Valley Fiduciary Services, as sole acting trustee. The Conservatee has indicated to Petitioner that in an effort to diminish any continued conflict between the trustee (Mr. Stott) and the conservator (Petitioner), she wishes to have a neutral fiduciary act as the sole trustee of her survivor's trust.

Currently, Ms. Castle, as conservator of the estate, is reliant upon Mr. Stott to provide sufficient funds from the trust to the conservatorship estate in order to pay the conservatee's numerous bills and living expenses. As this Court is well aware, the parties in this matter have sought the Court's assistance on several occasions to resolve their disputes.

Mr. Leas is agreeable to act as trustee and is named in the proposed trust (Exhibit A). On the conservatee's death, the trustee will distribute as currently provided in the conservatee's existing estate plan. Petitioner is informed and believes that the Conservatee is in favor of the proposed action, and the proposed action would have no adverse effect on the estate.

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/COMMENTS:

Note: \$435 remains due from Clayton James Stott for the hearing required on the matter of his Ex Parte Application for Order Limiting Powers of Conservator as ordered per minute order on 2-5-14.

Note: Pursuant to Minute Order 3-5-14, Attorney Natalie Nuttall was to provide a revised order based on the outcome of the hearing. As of 3-6-14, no order has been received for signature.

Note: Clayton James Stott was previously represented by Attorney Paul Franco; however, pursuant to Substitution filed 2-19-14, he is now represented by Attorney Gary Motsenbocker.

- This petition for substituted judgment, in essence, seeks to remove the existing current trustee Clayton James Stott, from office in a trust which was previously created by the Conservatee prior to conservatorship. An action for removal would need to be brought in a separate case under applicable law and with appropriate notice. See Probate Code §§ 17200, 15642, etc. Regardless of whether substituted judgment is granted, a separate trust action must be filed and heard under applicable law.
- The Court may require clarification as to why substituted judgment for an entirely new trustee is preferable to the named successor trustee, Darlene Stott, if Clayton James Stott is removed.
- Petitioner appears to assume that this modification requires continuing jurisdiction. However, Cal. Rules of Court 7.903 applies to trusts <u>funded</u> by Court order under Probate Code §2580. This trust was already funded and the modification does not affect the assets or funding. Therefore, need clarification and authority for continuing jurisdiction.

Please also note, again, that if this petition is granted, a separate trust action must be filed for such continuing jurisdiction. See #1 above and Local Rule 7.1.2.

| Reviewed by: skc |
|---------------------|
| Reviewed on: 3-6-14 |
| Updates: |
| Recommendation: |
| File 5 – Stott |

5 Patricia Stott (CONS/PE)

Case No. 13CEPR00432

Page 2

Petitioner states the Conservatee as a reasonably prudent person would indeed take the proposed action herself if not under a conservatorship. Petitioner states the Conservatee originally felt "badgered" by Mr. Stott with issues related to her financial assets, most of which are held in the trust, and therefore nominated Petitioner as her conservator. Most recently, for several months, Mr. Stott has failed to provide any funds to Ms. Castle from the trust which are necessary for Ms. Castle to pay the conservatee's bills and expenses. As such, Ms. Castle is unable to perform her duties as conservator.

As stated, the Conservatee has requested that a neutral person take over the responsibilities as trustee of her trust in order to alleviate the ongoing conflict between Mr. Stott and Ms. Castle and for the Conservatee's personal well-being and benefit.

The proposed modified trust (Exhibit A) includes the same provisions for distribution on the conservatee's death as the current trust, and becomes a trust subject to continuing jurisdiction under Cal. Rules of Court 7,903.

Petitioner requests an order:

- Authorizing and directing BROOK A. CASTLE, as Conservator of the person and estate of PATRICIA G. STOTT, to execute and date the modified proposed trust (entitled THE PATRICIA STOLL GREGORY STOTT REVOCABLE SURVIVOR'S TRUST ESTABLISHED PURSUATN TO COURT ORDER), attached as Exhibit A to this order, on behalf of PATRICIA G. STOTT, pursuant to California Probate Code Sections 2580(a)(1) and 2580(b)(11)(A); and
- 2. For such other and further relief as the Court deems proper.

6 Ally

FTB Notice

Nunez, Henry D. (for Estella G. Garza – Petitioner – Daughter)

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

| | | | Administer Under | r IAEA (Prob. C. 8002 | 2, 10450) | |
|----|-----------------|-------------|--|-----------------------|------------------------------------|--|
| DC | D: 09/28/2011 | | ESTELLA G. GARZA a | - - | NEEDS/PROB | |
| | | | NANEZ, request that ESTELA G. | | | |
| | | | GARZA, RAQUEL G. N | | Minute Orde | |
| | | | ROJELIA G. GONZAL | | provided to | |
| Со | ont. from 12101 | 3, | be appointed co-ex | ecutors without | The following | |
| 02 | 1114 | Π | | | 1. Original V | |
| | Aff.Sub.Wit. | Х | Full IAEA - ? | | Pursuant original w | |
| ✓ | Verilled | | \\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\ | 1 1 | and a co | |
| | Inventory | | Will dated: 09/27/200 | JI | petition. | |
| | PTC | | Residence: Parlier | | 2. Will is not | |
| | Not.Cred. | | Publication: The Busin | ness Inurnal | Subscribi | |
| ✓ | Notice of | | 1 Oblication, the bosi | 1033 30011101 | | |
| _ | Hrg Aff.Mail | w/ | Estimated value of th | ne Estate: | Need not deceder | |
| ✓ | | VV / | Personal property - | <u></u> | 7.1.1D. | |
| / | Aff.Pub. | | Real property - | \$272,907.00 | 4. Affidavit | |
| | Sp.Ntc. | | Total - | \$293,787.00 | IAEA lanç | |
| | Pers.Serv. | | | | grant IAE | |
| | Conf. | | Probate Referee: Ste | even Diebert | | |
| | Screen | | | | 5. Need pro | |
| / | Letters | | | | Administe Note: Teodo | |
| / | Duties/Supp | | | | of Estella Ga | |
| | Objections | | | | of another p | |
| | Video | | | | Rules of Cou | |
| | Receipt | | | | 6. Duties & | |
| | CI Report | | | | was not s | |
| | 9202 | | | | 7. Need Co | |
| ✓ | Order | | | | Liabilities | |
| | | | | | Rojelia G | |
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| | Aff. Posting | | | | Reviewed by | |
| | Status Rpt | | | | Reviewed or | |
| | UCCJEA | | | | Updates: | |
| | Citation | | | | Recommend | |
| | ETR Notice | | | | File / Carr | |

NEEDS/PROBLEMS/COMMENTS:

Minute Order 02/11/2014: Examiner notes are provided to Counsel.

The following issues remain:

- Original Will is attached to the petition.
 Pursuant to Probate Code §8200(a)(1) the
 original will is to be deposited with the Court
 and a copy of the will attached to the
 petition.
- 2. Will is not self-proving. Need proof of Subscribing Witness.
- 3. Need name and date of death of the decedent's spouse pursuant to Local Rule 7.1.1D.
- 4. Affidavit of Publication does not include IAEA language therefore the Court cannot grant IAEA authority.
- 5. Need proof of service of Notice of Petition to Administer Estate on Teodora Garza Garza.
 Note: Teodora Garza Garza was served in care of Estella Garza Garza, Trustee. Service in care of another person is insufficient pursuant to CA Rules of Court 7.51(a)(1).
- 6. Duties & Liabilities of Personal Representative was not signed by Rojelia G. Gonzalez.
- Need Confidential Supplement to Duties & Liabilities of Personal Representative from Rojelia G. Gonzalez.

| <u>See additional page</u> | | | | |
|--------------------------------|--|--|--|--|
| Reviewed by: LV | | | | |
| Reviewed on: 03/07/2014 | | | | |
| Updates: | | | | |
| Recommendation: | | | | |
| File 6 – Garza | | | | |

6 (additional page) Rosalia Garza Garza (Estate) Case No. 13CEPR00940

- 8. Need Declaration from Rojelia G. Gonzalez consenting to act as personal representative.
- 9. #5a(3) or 5a(4) was not answered regarding domestic partner.
- 10. #5a(7) or 5a(8) of the Petition was not answered regarding issue of predeceased child.
- 11. Letters do not include each of the personal representatives' names and signatures.
- 12. Order does not include Rojelia G. Gonzalez.

Note: If the petition is granted status hearings will be set as follows:

- Friday, 08/15/2014 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and
- Friday, 05/15/2015 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.

Atty

McCloskey, Daniel T. (for Helen Reed – Petitioner -Surviving Spouse/Trustee)

Petition to Determine Succession to Real Property (Prob. C. 13151)

| DOD: 03/30/2011 | | | HELEN REED, Trustee of the Reed Family Trust, | NEEDS/PROBLEMS/COMMENTS: |
|-----------------|------------------------|---|--|---|
| - | | | is petitioner. | Minute Order of 02/04/2014: No |
| | | | 40 days since DOD | appearances. Counsel directed to review the examiner notes posted on the |
| Сс | ont. from 020414 | 4 | No other proceedings | Court's website. |
| | Aff.Sub.Wit. | | | |
| ✓ | Verified | | I&A - \$100,000.00 | Copy of Minute Order mailed to Attorney Daniel T. McCloskey on 02/07/2014. |
| ✓ | Inventory | | Will dated: 04/28/1997 will devises all assets to | , |
| | PTC | | the Trustee of the Reed Revocable Living Trust, designated as the Reed Family Trust. | Note: The filing fee was initially waived for this petition; however, the fee will be due |
| | Not.Cred. | | Trost, designated as the Reed Fathly Irost. | prior to distribution pursuant to |
| ✓ | Notice of | | Petitioner requests Court determination that | Government Code §68637. (Filing fee is |
| - | Hrg | | decedent's 100% interest in real property | \$435.00.) |
| ✓ | Aff.Mail | | located at 3207 S. Cherry Fresno, Ca. pass to Reed Family Trust pursuant to decedent's | 1. Need Order. |
| | Aff.Pub. | | will. | 1. Need Oldel. |
| | Sp.Ntc. | | | |
| | Pers.Serv. | | | |
| | Conf. | | | |
| | Screen | | | |
| | Letters Duties (Supp. | | | |
| | Duties/Supp Objections | | | |
| | Video | | | |
| | Receipt | | | |
| | CI Report | | | |
| | 9202 | | | |
| | Order | Х | | |
| | Aff. Posting | | | Reviewed by: LV |
| | Status Rpt | | | Reviewed on: 03/07/2014 |
| | UCCJEA | | | Updates: |
| | Citation | | | Recommendation: |
| | FTB Notice | | | File 7 - Reed |

Atty

Fanucchi, Edward L. (for Will Scott, Jr. – Administrator)

Probate Status Hearing Re: Filing of Inventory and Appraisal

| DOD: 10/22/11 | WILL SCOΠ, JR., surviving spouse, was | NEEDS/PROBLEMS/COMMENTS: |
|--------------------|---|--|
| | appointed successor Administrator on | |
| | 02/08/13. | CONTINUED FROM 01/10/14 |
| | | Minute Order from 01/10/14 states: |
| 0 11 070440 | Letters of Administration were issued on | Counsel advises the Court that they are |
| Cont. from 052413, | 02/08/13. | having difficulty with Wells Fargo Bank. |
| 062113, 081613, | | Counsel further advises that he believes |
| 101113, 011014 | Status Report filed 05/17/13 states: Counsel | this may be a no asset estate. |
| Aff.Sub.Wit. | and the Administrator have not had time to | |
| Verified | determine what assets remain in the estate | Need Inventory & Appraisal |
| Inventory X | and what assets have been determined to | |
| PTC | be joint tenancy property. A continuance is | |
| Not.Cred. | requested so that counsel and the | |
| Notice of | Administrator can meet to prepare the Inventory & Appraisal and forward it to the | |
| Hrg | Probate Referee for appraisal and | |
| Aff.Mail | subsequent filing with the Court. | |
| Aff.Pub. | | |
| | Status Report filed 10/10/13 states: It appears | |
| Sp.Ntc. | that there are no assets in this estate, but | |
| Pers.Serv. | they have not had time to do an Inventory & | |
| Conf. | Appraisal. | |
| Screen | | |
| Letters | Status Report filed on 12/23/13 states the | |
| Duties/Supp | Administrator has served a Subpoena for | |
| Objections | Records on Wells Fargo Bank in September regarding four bank accounts. As of this | |
| Video | date, Wells Fargo has failed to produce the | |
| Receipt | requested records. A demand for | |
| CI Report | production of records pursuant to the | |
| 9202 | subpoena was served on Wells Fargo on | |
| Order | 11/20/13, and no response nor records have | |
| Aff. Posting | been received as of this date. Therefore, | Reviewed by: JF |
| Status Rpt | Administrator is unable to prepare and file | Reviewed on: 03/05/14 |
| UCCJEA | and inventory and appraisal. The estate is not yet in a condition to close. | Updates: |
| Citation | Thoi yet in a condition to close. | Recommendation: |
| FTB Notice | | File 10A – Scott |
| | · | 10Δ |

10A

Attv

Fanucchi, Edward L. (for Will Scott, Jr. – Successor Administrator)

Probate Status Hearing Re: Filing of First Account or Petition for Final Distribution

(Prob. C. §12200, et seq.)

| DOD: | 10-22-11 | |
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| Cont. 01101 | from 102513 4 | , |
| | ff.Sub.Wit. | |
| V | erified | |
| | ventory | |
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| Α | ff.Pub. | |
| S | p.Ntc. | |
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WILL SCOTT, JR., son, was appointed successor Administrator with limited IAEA without bond on 02/08/13 pursuant to a Stipulation for Settlement filed 2-6-13.

Letters of Administration were issued on 2-8-13.

On 4-12-13, the Court sent notice of status hearings for filing of I&A on 5-24-13 and filing of first account or petition for final distribution on 10-25-13.

Note: Inventory and Appraisal has not been filed. Status hearing for filing I&A was continued numerous times and on 10-11-13 was again continued to 1-10-14.

NEEDS/PROBLEMS/COMMENTS:

CONTINUED FROM 01/10/14

Minute Order from 01/10/14 states: Counsel advises the Court that they are having difficulty with Wells Fargo Bank. Counsel further advises that he believes this may be a no asset estate.

Note re history: Michelle Scott, daughter, was originally appointed as Administrator with Will Annexed and the Will dated 6-10-11 was admitted to probate on 2-2-12.

Will Scott Jr., filed a Will Contest. Pursuant to Stipulation for Settlement filed 2-6-13. Michelle Scott resigned and Will Scott Jr., was appointed as Successor Administrator with limited IAEA without bond.

Letters issued 2-8-13. Upon issuance of Letters the Court set status dates for filing I&A and petition for final distribution.

The original petition estimated personal property valued at \$150,000 and real property that was encumbered for its entire value of \$300,000.

Creditor's claims have been filed, and partially allowed.

The Stipulation for Settlement indicated \$57,250 held in attorney Fanucchi's trust and discussed estate assumption of liabilities on creditor's claims as well as other litigation and various releases and waivers by the parties.

An unverified status report filed 10-10-13 in connection with the continued status hearing on filing the I&A stated that it appears there are no estate assets, but they have not had time to do an I&A.

1. Need status of estate.

| Reviewed by: skc/JF | |
|------------------------------|--|
| Reviewed on: 03/05/14 | |
| Updates: | |
| Recommendation: | |
| File 10B – Scott | |